



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NARRATIVE ARK ENTERTAINMNET LLC, :
Plaintiff, :
:

v. :
:

ARCHIE COMIC PUBLICATIONS, INC. and :
SEGA OF AMERICA, INC., :
Defendants. :
-----X

ORDER

16 CV 6109 (VB)

Defendant Archie Comic Publications, Inc. having moved to dismiss partially the complaint on October 13, 2016 (Doc. #20), the Court sua sponte grants plaintiff leave to file an amended complaint.

Accordingly, it is hereby ORDERED that, by no later than October 24, 2016, plaintiff must notify the Court by letter, with copies simultaneously delivered to all counsel, whether (i) it intends to file an amended complaint, or (ii) it will rely on the complaint that is the subject of the partial motion to dismiss.

If plaintiff elects not to file an amended complaint, the partial motion to dismiss will proceed in the regular course and, absent special circumstances, no further opportunities to amend will be granted. If plaintiff elects not to file an amended complaint, the time to file opposing papers shall remain October 27, 2016, and the time to file reply papers shall remain November 3, 2016, unless otherwise ordered by the Court.

If plaintiff elects to file an amended complaint, it must file the amended complaint by no later than fourteen days after notifying the Court of its intent to do so. Defendant Archie Comic Publications, Inc. may then either file an answer to the amended complaint or file a motion to dismiss the amended complaint, or may notify the Court by letter, with copies simultaneously delivered to all counsel, that it is relying on the initially filed partial motion to dismiss. If defendant Archie Comic Publications, Inc. chooses to file an answer to or motion to dismiss the amended complaint, the time to do so shall be governed by the Federal Rules of Civil Procedure, unless otherwise ordered by the Court.

Dated: October 14, 2016
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Judge